

## **Sec. 35.1-26. Signs.**

It is the intent of the zoning ordinance to minimize the negative secondary effects that can accompany the unregulated display of signs, such as visual blight and traffic hazards, by adopting content neutral time, place and manner of display standards for signs. The goals of the zoning ordinance are to preserve the residential character of residential neighborhoods; avoid the appearance of clutter; protect property values; reduce traffic hazards caused by distractions and impairment of sight lines to motorists; ensure that the city remains an attractive place to live and work; reduce administrative burdens; and to promote the public necessity, convenience, general welfare and good zoning practice. It is not the intent of the city to suppress any free speech activities protected under the First Amendment or to regulate the content of signs or to require the alteration of federally registered trademarks or logos, but to enact a content-neutral ordinance which will address the secondary effects of signs.

### **Sec. 35.1-26.1. Severability clause.**

As provided in Sec. 35.1-3, if any provision of the zoning ordinance regulating signs is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the zoning ordinance regulating signs and all of such provisions shall remain in full force and effect.

### **Sec. 35.1-26.2 Definitions.**

**Address sign:** A sign displaying only the assigned address of a property or building that is attached to a building or sign structure or part thereof. An address sign shall not be included in the maximum permissible sign area of the district in which it is located.

**Awning:** A permanent roof like structure that projects from the wall of a building, covered with any material designed and intended for protection from the weather or as a decorative embellishment including those types which can be retracted, folded, or collapsed against the face of the supporting building.

**Banner:** A sign consisting of a piece of fabric or any other material, other than a flag or pennant, used to advertise a special promotion, activity or event.

**Billboard:** Any exterior sign or advertising structure or portion thereof, including any sign painted directly on any exterior wall, roof, or part of a building or other object, displaying any information other than the name and occupation of the user of the premises or the nature of the business conducted thereon or the products sold, manufactured, processed or available thereon.

**Building mounted sign:** A permanently attached sign, erected or painted on the outside wall, window, or door of a building.

**Changeable copy sign:** A sign, or part of a sign, with copy that can be changed by manual, mechanical, or electronic means, except for scoreboards.

**Channel enclosure:** Continuous c-shaped metal, or similar opaque material, surrounding three-quarters of the circumference of neon tubing.

**Construction sign:** A temporary sign that notifies the public of a specific building or development under construction or to be constructed within the next three (3) months. The sign may also identify the architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

**Directional sign:** An on-premises sign whose message is exclusively limited to guiding the circulation of pedestrian or vehicular traffic, such as enter, exit, or one-way.

**Flag:** Any fabric or any other material attached to or designed to be flown from a flagpole or similar device.

**Flag, business:** Any flag that displays the name, insignia, emblem or logo of the entity located on the site.

**Flag, decorative:** Any flag of a non-commercial nature, including a flag that displays the name, insignia, emblem, or logo of any nation, state, or municipality other than the United States of America, the State of Virginia or the City of Lynchburg.

**Flag pole:** A freestanding structure or a structure attached to a building or the roof of a building for the sole purpose of displaying flags.

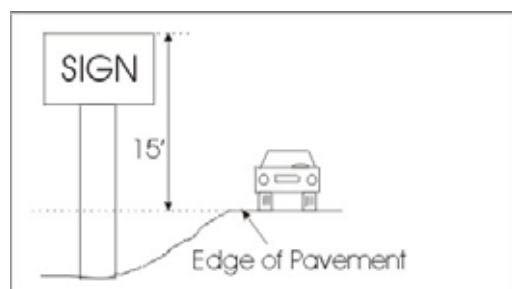
**Flag, public:** The flag of the United States of America, the State of Virginia or the City of Lynchburg.

**Flashing sign:** Any illuminated sign which does not maintain, when in operation or use, a stationary light or constant intensity of color. Any light or copy that does not change more frequently than once per twenty (20) seconds will not be considered a flashing sign.

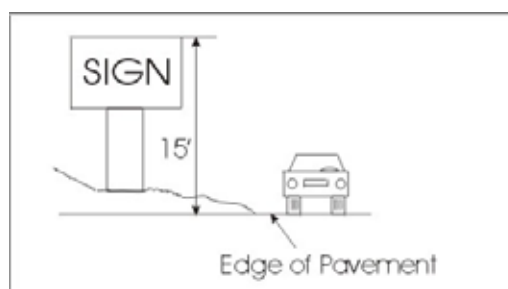
**Freestanding sign:** A non-movable sign supported by structures or supports in or upon the ground and not attached to a building.

**Graphic:** Any logo, emblem, insignia, or text, formed by writing, drawing, painting or engraving.

**Height of sign:** The distance to the topmost extent of the sign structure when measured from and perpendicular to the elevation of the edge of pavement of the closest adjacent roadway on which the sign is located. In no instance shall the sign structure be required to be less than ten (10) feet in height, except as otherwise specifically required by the zoning ordinance.



*Height of Sign*



*Height of Sign*

**Identification sign:** A sign which is permanently attached to or painted on a building and contains only the building name. (*Example, the “Allied Arts” Building.*) Identification signs shall not be included in the maximum permissible sign area of the district in which it is located.

**Illuminated sign:** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**Inflatable item:** Any item that is capable of being expanded by air, water or other means that exceeds twenty-four (24) inches in diameter.

**Logo:** Any emblem used as the symbol of an organization, or residential or nonresidential community. A logo may include a graphic, text, or both.

**Modified sign:** A sign that is allowed to deviate from the standards set forth in the zoning ordinance pursuant to a conditional use permit issued by city council or a certificate of appropriateness issued by the historic preservation commission.

**Monument sign:** A permanent structure built on-grade in which the sign and the structure are an integral part of one another, not a pole(s) mounted sign.

**Mural:** A painting, fresco, or mosaic applied to a wall for the sole purposes of decoration or artistic expression. A mural is not considered a sign unless it includes words or graphics that advertise the products or service of any entity.

**Neon tubing:** A vacuum tight transparent tube not exceeding one inch (1") in diameter containing, but not limited to neon, argon, helium, xenon, or krypton that produces light when connected to an electrical current.

**Off-site directional sign:** A sign that directs traffic to a site other than the site on which the sign is located. Offsite directional signs do not include real estate signs.

**Opinion sign:** A sign which does not advertise products, goods, businesses, or services, and which expresses an opinion or other point of view.

**Parapet wall:** A wall that extends above the top of a flat roof or flat portion of a roof.

**Pennant:** Any lightweight plastic, fabric or other similar material, whether or not containing copy suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Permanent sign:** Any sign attached to the ground or any other structure, intended to exist for the life of the structure or use, and which cannot be removed without involving any structural or support changes.

**Pole mounted sign:** A sign which is mounted on one or more freestanding poles or similar supports.

**Political sign:** A temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a government election.

**Portable sign:** A sign which is movable without involving any structural or support changes, not permanently attached to the ground, a structure or any other sign not an integral part of a building to which it is accessory. This category includes, but is not limited to, an A-frame sign, a sign attached to or placed on a vehicle, which is used primarily for the purpose of display, and similar devices used to attract attention. This shall not include bumper stickers or identification signs directly applied to or painted on vehicles identifying the owner of the vehicle, a business name, logo or emblem.

**Projecting sign:** A sign which is attached to and projects at an angle and extends more than fifteen (15) inches from the face of the wall of a building.

**Real estate sign:** A temporary sign used to offer property for sale, lease, rent and/or development or to advertise an open house.

**Re-facing:** The replacement of a sign face, regardless of change in copy, of equal size to the original, without altering the sign box, sign frame or sign structure.

Roof sign: A sign installed or constructed upon or above a roof.

Sign: Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo, or trademark) or any other figure or graphic of similar character for the purpose of communicating information to the public which is:

- (a) Attached to a structure, painted on or in any other manner represented on a building or other structure;
- (b) Used to announce, direct attention to, or advertise;
- (c) Visible from the outside of a building. A sign shall include writing, pictorial representation, emblem or any other figure of similar character within a building when located less than twelve (12) inches away from the inside face of an exterior window pane; and
- (d) Accessory to the permitted uses in the zoning district.

Sign base: The area below any writing, pictorial representation, emblem or any other figure of similar character on a sign face. This shall include solid bases, poles, supports, uprights, skirts and/or enclosures.

Sign box: A structure that encloses the sign face(s) and any internal illumination.

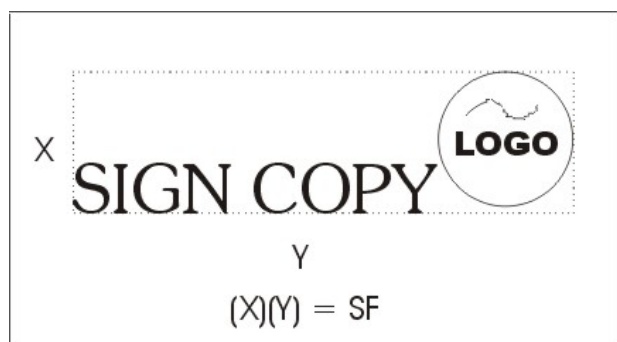
Sign face: The area or display surface used for the message, not including the sign frame or sign structure.

Sign frame: The enclosure and/or embellishment that surround the sign face.

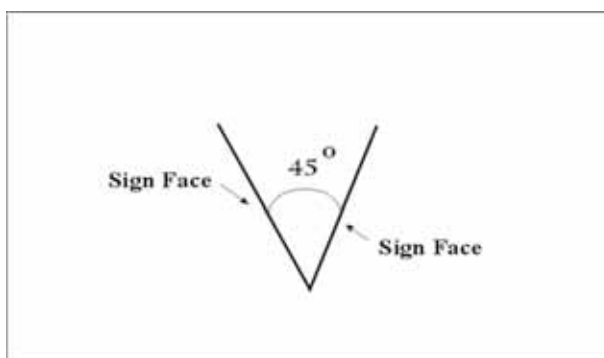
Sign structure: An assembly of material used to support a sign face and/or sign frame.

Streamer: Any long narrow strip of cloth, paper, plastic or other material.

Surface area: The entire area within a single continuous perimeter including the extreme limits of writing, pictorial representation, emblem, figure, graphic, or any figure of similar character. The sign base, box, frame, and/or structure shall not be considered the surface area of a sign unless there is writing or internal illumination on such sign components. For the purpose of computing, the surface area of a double-faced sign or a V-type sign shall be considered a single structure; provided, that the interior angle of the V-type sign does not exceed forty-five (45) degrees.



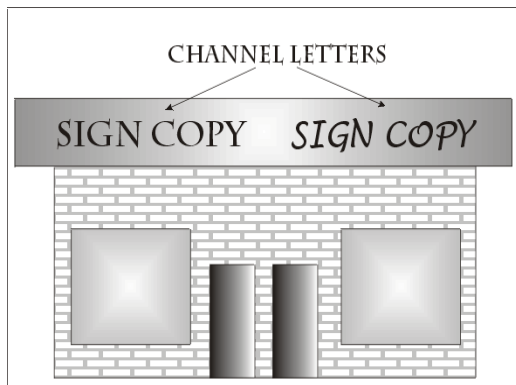
*Surface Area*



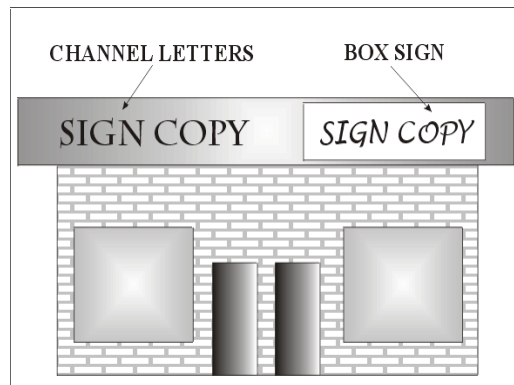
*Surface Area; V Type or Double - Faced Sign*

Temporary sign: A sign designed or intended to be displayed for a limited period of time as indicated in the zoning ordinance .

Unified and coordinated wall signs: Signs that are similar in construction technique, but not including font, or color.



*Unified & Coordinated*



*Not Unified and Coordinated*

Window sign: A sign attached to, applied directly to, or located within twelve (12) inches from a door or window that is legible from the property line.

### **Sec. 35.1-26.3. General regulations.**

(a) The following shall not be subject to the provisions of the zoning ordinance regulating signs:

(1) Signs which are subject to the regulations of the Virginia Department of Transportation and which are placed in the public rights-of-way or on city-owned property by the city for public information purposes. Such signs include but are not limited to, signs which direct or regulate pedestrian or vehicular traffic, community identification signs which identify the location of buildings and facilities or scenic or historic attractions, and similar types of signs;

(2) Public flags as defined by this ordinance and flags displaying religious messages or symbols;

(3) Memorial signs or tablets; and

(4) Decorative embellishments attached to light poles.

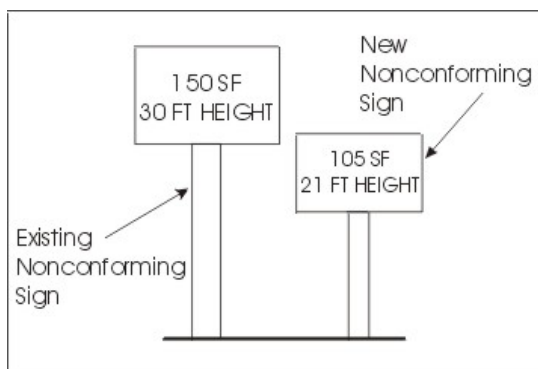
(b) For the purposes of the zoning ordinance, other provisions notwithstanding, awning signs shall be allowed and treated as wall signs. The maximum permissible area for awning signs shall be subject to, and calculated with, the maximum permissible wall sign area for the specific district in which such signs are located. These provisions are applicable to awning signs regardless of the material.

(c) Signs located in windows shall be calculated with and included in the surface area of wall signage if the sign is legible from the property line.

(d) Discontinued uses. Within thirty (30) days after a use or activity that is advertised by a sign ceases, the owner of such use or activity or the owner of the property on which the sign advertising the discontinued use or activity is located shall remove the sign face. In the event the use of any nonconforming sign is abandoned for two (2) or more years the sign and its supporting structure shall be removed by the owner of the use or activity or by the owner of the property on which the sign is located. If the sign and its supporting structure are not removed the city shall give the property owner notice to remove the sign and a deadline for removal. If the property owner fails to remove the sign after having been given notice by the city to do so or if the city after reasonable efforts to do so is unable to locate the owner, the city may pursue any or all of the

following remedies: (i) through its employees or agents enter the property upon which the sign is located, remove the sign and its supporting structure and bill the owner for the costs of such removal; (ii) apply to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy; and/or (iii) charge the owner of the property where the sign is located with a violation of the zoning ordinance as provided in Section 35.1-20.

(e) Existing signs. Any existing sign and/or sign structure legally erected and maintained, which is nonconforming to the provisions of the \_\_\_\_\_ amendments to the zoning ordinance, may continue in its nonconforming status as long as it is maintained in its then structural condition as it existed at the time of adoption of this article (see nonconforming Section 35.1-27). When a nonconforming sign, sign frame, and/or sign structure is intentionally reconstructed or structurally altered by the business or building owner, the surface area and height requirements for a new sign, sign frame, and/or sign structure, under this ordinance, shall apply. The new sign, sign frame, and/or sign structure may exceed the ordinance requirements, however, to a limit which is calculated by taking a thirty percent (30%) reduction in the height and/or square foot area of the original sign, sign frame and/or sign structure, provided that the new sign, sign frame, and or sign structure is constructed within sixty (60) days of the removal of the previous nonconforming sign and sign application approval is granted as provided in Section 35.1-26.14 of the zoning ordinance. New signs, sign frames and/or sign structures, which exceed the ordinance requirements pursuant to this provision shall be considered as nonconforming. Replacements of signs destroyed by acts of God, or other occurrences beyond the control of the owner shall comply fully with Section 35.1-26 of the zoning ordinance.



*30 % Reduction*

(f) Portable signs, pennants, streamers and off premises directional signs are prohibited

(g) Compliance with electrical code. All illuminated signs must comply with UL standards of the statewide uniform building code.

(h) Violations and penalties: refer to Section 35.1-20.

#### **Sec. 35.1-26.4. Flags.**

(a) The following flags are permitted in the zoning districts of the City of Lynchburg:

<b><i>District</i></b>	<b><i>Flag Type</i></b>	<b><i>Quantity</i></b>
R-C through R-5	Flag decorative	2
B-1 through I-3	Flag decorative	2
	Flag business	N/A

(b) All business flags shall be calculated with the maximum permissible sign area for the district in which the flag is located. All other permitted flags shall be calculated separately from the maximum permissible ground sign area for the district in which the flag is located.

**Sec. 35.1-26.5. Temporary signs.**

(a) The following banners are permitted in the zoning districts of the City of Lynchburg:

<b><i>District</i></b>	<b><i>Size</i></b>	<b><i>Quantity</i></b>	<b><i>Setback</i></b>	<b><i>Wall Projection</i></b>
R-1, R-2, R-3, R-4, R-5	24 SF	1 Per Street Frontage	8 Feet	3 Inches Max
B-1, B-2, B-4, B-6	24 SF	1 Per Street Frontage	8 Feet	3 Inches Max
B-3, B-5	32 SF	1 Per Street Frontage	8 Feet	3 Inches Max
I-1, I-2, I-3	24 SF	1 Per Street Frontage	8 Feet	3 Inches Max

(b) Banners may be erected only by the occupant of the lot and the advertising matter shall apply only to the nature of the activity occupying the lot on which the banner is erected.

(c) An application and permit for a banner or inflatable item is required as provided in Section 35.1-26.14 of this ordinance. No such permit shall be issued for a period to exceed thirty (30) days. Permits for banners signs shall not be issued for any location during a period of thirty (30) days after the expiration date of a permit for a banner previously issued for the same location, unless the business operated at the location has changed ownership. In no case shall a banner be displayed for more than a total of one hundred and twenty (120) days per calendar year. Said banners and inflatable items shall be securely fastened to the ground or other immovable object and shall be located a minimum of eight (8) feet from the property line.

(d) Temporary construction signs are permitted in the zoning districts of the City of Lynchburg as follows:

<b><i>District</i></b>	<b><i>Size</i></b>	<b><i>Quantity</i></b>
R-C, R-1, R-2, R-3, R-4, R-5	16 SF	1
B-1, B-2, B-3, B-4, B-5, B-6	32 SF	1
I-1, I-2, I-3	32 SF	1

Temporary construction signs shall only be allowed on the property on which construction will commence within the next three (3) months, and may be erected on the wall of a construction trailer, construction shed or on the ground. Temporary construction signs shall not be lighted by any means and shall be removed prior to a certificate of occupancy (CO) being granted for said building. A sign permit is not required for the placement of a temporary construction sign.

(e) Temporary real estate signs are permitted in the zoning districts of the City of Lynchburg as follows:

<b><i>District</i></b>	<b><i>Size</i></b>	<b><i>Quantity</i></b>
R-C, R-1, R-2, R-3	5 SF	1 per Street Frontage
R-4, R-5	32 SF	1 per Street Frontage
B-1, B-2, B-3, B-4, B-5, B-6	32 SF	1 per Street Frontage
I-1, I-2, I-3	32 SF	1 per Street Frontage

Temporary real estate signs are to be placed only on the property that is for sale or lease. Temporary real estate signs shall be removed immediately following the sale or lease of the property.

(f) One (1) temporary subdivision identification sign not exceeding thirty-two (32) square feet in area may be erected during construction at an entrance to the subdivided property; provided not over two (2) signs shall be erected for any one (1) subdivision. These signs shall be removed upon completion or sale of seventy-five (75) per cent of the lots in the subdivision. No electric or other luminous sign and no sign illuminated by a floodlight or other similar device shall be permitted.

(g) Temporary signs that are permitted by this section may not be placed on utility poles, traffic control signs or within the public rights-of-way.

(h) All temporary signs must be removed within three (3) days after the event or activity being advertised or promoted by the temporary sign has been completed.

#### **Sec. 35.1-26.6. Political signs.**

A political sign is a temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a governmental election. Within any district, political signs may be erected on a lot, provided that such sign is erected only upon approval of the property owner. Political signs may not be placed on utility poles, traffic control signs or within the public rights-of-way. Political signs must be removed within three (3) days after the election. The removal of such signs shall be the responsibility of the property owner on whose lot the sign is displayed.

#### **Sec. 35.1-26.7. Opinion signs.**

Opinion signs are permitted in any zoning district on private property only and may be erected only upon approval of the property owner. Opinion signs may not be placed on utility poles, traffic control signs or within the public rights-of-way.

#### **Sec. 35.1-26.8. Signs in R-C, R-1, R-2, R-3, R-4, and R-5 districts.**

Signs pertaining only to the uses conducted on the premises will be permitted, subject to the following conditions:

(a) One (1) sign announcing a permitted home occupation will be allowed for each street on which the lot abuts. Each such sign shall not exceed one (1) square foot in area. Such signs shall be illuminated only by shaded white lights.

(b) One (1) sign not to exceed four (4) square feet identifying a club, lodge or community center may be erected. Only shaded white light may be used to illuminate these signs.

(c) Church bulletin boards and signs for the display of names of educational or other permitted institutions shall be permitted when such signs do not exceed an aggregate area of eighteen (18) square feet for each institution. Such signs may be illuminated only by shaded white lights.

(d) One (1) subdivision identification sign not exceeding forty (40) square feet in area may be erected at each main street entrance to the subdivided property. The maximum height of the monument sign shall be eight (8) feet. The maximum area of the sign may be on one (1) sign or divided into two (2) signs located



on each side of the subdivision road entrance. Light fixtures shall not be included in calculating the maximum height. Such signs shall be illuminated only by shaded white lights.

#### **Sec. 35.1-26.9. Signs in B-1 and B-2 districts.**

Signs pertaining only to the uses conducted on the premises, but not including any roof signs or billboards, will be permitted, subject to the following conditions:

(a) Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located. The aggregate face area of all signs on any one (1) wall of the building shall not exceed twenty-four (24) square feet. Newly constructed groups of buildings shall have unified and coordinated wall signs.

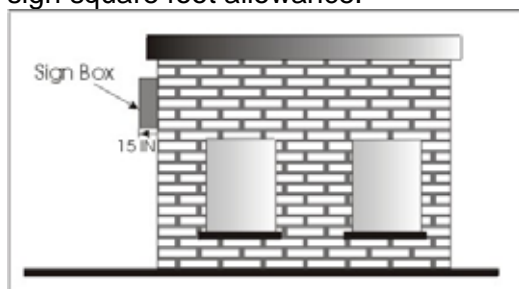
(b) One (1) free-standing sign structure, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign structure does not extend beyond the lot line nor shall such sign be located closer to the front property line than two (2) feet. Such sign structure shall be limited to two (2) sign faces, each of which shall not exceed twenty-four (24) square feet in surface area. Any architectural or decorative surrounds to support or enhance the sign face may not exceed twenty-five percent (25%) of the maximum allowable sign face surface area. Sign bases, uprights, or poles located under the sign shall not count toward the architectural or decorative surrounds calculation. The overall height of any such sign structure, including its architectural or decorative surrounds, shall not exceed ten (10) feet above the ground.

(c) When a group of buildings is coordinated into a business or shopping area, one (1) free-standing sign structure, permanently fixed to the ground and designed to identify the area as a whole, may be erected on each street on which the area abuts, provided such sign structure shall not be located closer to the front property line than two (2) feet. Such sign shall be limited to two (2) sign faces, each of which shall not exceed twenty-four (24) square feet in area for the first business tenant, but may be increased incrementally by four (4) square feet for each additional business tenant up to a maximum of thirty-two (32) square feet. Any architectural or decorative surrounds to support or enhance the sign face may not exceed twenty-five percent (25%) of the maximum allowable sign face surface area. The overall height of any such sign, including its architectural or decorative surrounds, shall not exceed ten (10) feet above the ground.

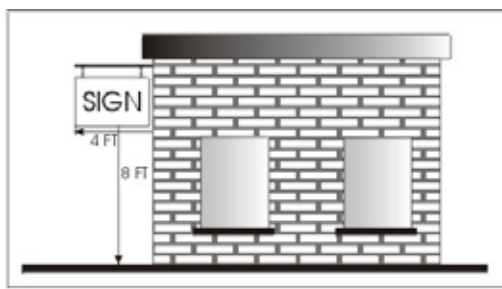
(d) Any pole supporting a freestanding sign shall be in an eighteen (18) inch wide enclosure. The material and color of the enclosure shall coordinate with the sign and/or building. Any freestanding sign in a historic district shall be monument style, maximum seven (7) feet in height, comply with the historic district guidelines, and receive approval from the secretary of the historic preservation commission. Decisions of the secretary may be appealed to the historic preservation commission.

(e) No building mounted sign shall project more than fifteen (15) inches beyond the face of a building. Signs mounted perpendicular to the building may project a maximum of four (4) feet beyond the face of the building and allow for eight (8) feet of clearance between the bottom of the sign structure and the ground. No sign shall project above the parapet wall of the building. Signs indicating time, temperature, or similar factual information, may project a maximum of four (4) feet beyond the face of the building. If an

advertisement or firm name is used in connection with such signs, it shall count towards the maximum wall sign square foot allowance.



*Building Mounted Signs*



*Projecting Signs Perpendicular to Building*

(f) The provisions of this section do not apply to signs that are further than twelve (12) inches away from the inside face of an exterior window pane.

(g) Sign illumination. When any sign is lighted in these districts, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign simulating movement shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation shall be used for high reflection.

(h) One sign with the word "open" (neon or otherwise) shall be permitted per building, provided the sign does not exceed four (4) square feet. Said sign shall not count towards the maximum allowable sign square footage.

(i) For visibility regulations at intersections see Section 35.1-23(j)

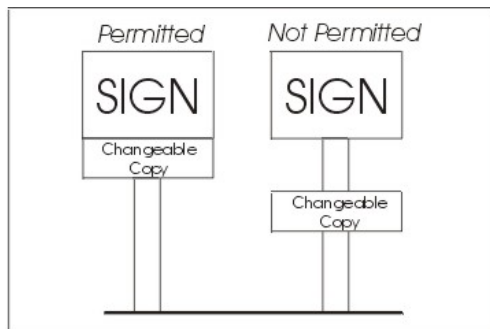
#### **Sec. 35.1-26.10. Signs in B-3 and B-5 districts.**

Signs pertaining only to the uses conducted on the premises, but not including any roof signs or billboards, will be permitted, subject to the following conditions:

(a) Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located. The aggregate sign face surface area of all signs, including trim or embellishment, on any one (1) building wall within two-hundred (200) feet from the abutting street right-of-way shall not exceed twenty-five (25) square feet plus one (1) square foot for each lineal foot of such wall. In no case shall the sign face surface area exceed one-hundred (100) square feet. The aggregate sign face surface area of all signs on any one (1) building wall greater than two-hundred (200) feet from the abutting street right-of-way shall not exceed twenty-five (25) square feet plus two (2) square feet for each lineal foot of such wall. In no case, shall the sign face surface area exceed one-hundred and fifty (150) square feet. Newly constructed groups of buildings shall have unified and coordinated wall signs.

(b) One (1) free-standing sign structure, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign structure is not located closer to the front property line than two (2) feet. Such sign structure shall be limited to two (2) sign faces, each of which shall not exceed fifty (50) square feet in area. Any changeable copy sign must abut or connect with the sign face and the total square footage for both sign face surface area and changeable copy sign surface area may not exceed sixty-six (66) square feet. The changeable copy sign surface area itself may be no larger than twenty-two (22) square feet. Any architectural or decorative surrounds to support or enhance the sign face and/or changeable copy sign face may not exceed twenty-five percent (25%) of the allowable sign face

surface area. The overall height of any such sign structure, including any architectural or decorative surrounds, shall not exceed fifteen (15) feet above the ground.



*Changeable Copy Signs*

(c) When a group of buildings is coordinated into a business or shopping area, one (1) free-standing sign structure, permanently fixed to the ground, designed to identify the area as a whole may be erected on each street on which the area abuts, provided such sign shall not be located closer to the front property line than two (2) feet. For a group of buildings that is between one hundred thousand (100,000) square feet and two hundred thousand (200,000) square feet, such sign shall be limited to two (2) faces, each of which shall not exceed seventy-five (75) square feet in area plus sixteen (16) square feet for a reader board. The reader board must be attached to the sign. For a group of buildings that exceeds two hundred thousand (200,000) square feet in area, such sign shall be limited to two (2) faces, each of which shall not exceed one hundred (100) square feet in area plus sixteen (16) square feet for a changeable copy sign. The changeable copy sign must be attached to the sign. Any architectural or decorative surrounds to support or enhance the sign and/or changeable copy sign may not exceed twenty-five percent (25%) of the allowable sign area. The overall height of any such sign, including any architectural or decorative surrounds, shall not exceed fifteen (15) feet above the ground.

(d) Any pole supporting a freestanding sign shall be in an eighteen (18) inch wide rectangular enclosure. The material and color of the enclosure shall coordinate with the sign and/or building. Any freestanding sign in a historic district shall be monument style, comply with the historic districts design guidelines and receive administrative approval from the secretary of the historic preservation commission. Decisions of the secretary may be appealed to the historic preservation commission.

(e) No sign applied flat to the wall shall project more than fifteen (15) inches beyond the face of a building. Signs mounted perpendicular to the building may project a maximum of four (4) feet beyond the face of the building and allow for eight (8) feet of clearance between the bottom of the sign structure and the ground. No sign shall project above the parapet wall of the building. Signs indicating time, temperature, or similar factual information, may project a maximum of four (4) feet beyond the face of the building. If an advertisement or firm name is used in connection with such signs, it shall count towards the maximum wall sign square foot allowance.

(f) The provisions of this section do not apply to signs on the inside of buildings that are further than twelve (12) inches away from the inside face of an exterior window pane, nor to small signs on outdoor merchandise display racks, cases and vending devices.

(g) Traffic direction signs, each not exceeding four (4) square feet in area, and four (4) feet in height may be displayed on any lot zoned as B-3 or B-5 as follows: Signs identifying vehicular entrance to and exit from the lot and signs of the type generally used for traffic control necessary for the safe and proper control of vehicular and pedestrian traffic within the lot; provided that such signs and number are approved by the city.

(h) Sign illumination. When any sign is lighted in this district, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring occupants. Only white illumination shall be used, and no flashing (on-and-off) sign, nor any sign simulating movement shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation shall be used for high reflection.

(i) Neon tubing of any color is permitted on a sign, provided the neon is installed within a channel enclosure.

(j) One sign with the word "open" (neon or otherwise) shall be permitted per building, provided the sign does not exceed four (4) square feet. Such a sign shall not count towards the maximum sign square footage.

(k) For visibility regulations at intersections see Section 35.1-23(j)

#### **Sec. 35.1-26.11. Signs in B-4 and B-6 districts.**

Signs pertaining only to the uses conducted on the premises, but not including any roof signs or billboards, will be permitted subject to the following conditions:

(a) Box signs, internally illuminated plastic signs, moving signs or signs simulating movement, and flashing illuminated signs are not permitted.

(b) Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located. The aggregate face area of all signs on any one (1) wall of a building shall not exceed one (1) square foot per one (1) linear foot of building. For buildings six (6) stories or greater, the sign size may increase twenty (20) square feet per story. No roof mounted signs are permitted.

(c) One (1) free-standing sign, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign does not extend beyond the lot line. Such sign shall be limited to two (2) faces, each of which shall not exceed thirty-two (32) square feet in area. Any architectural or decorative surrounds to support or enhance the sign may not exceed twenty-five percent (25%) of the allowable sign area. The overall height of any such sign, including any architectural or decorative surrounds, shall not exceed seven (7) feet above the ground and shall be monument style.

(d) When a group of buildings is coordinated into a business or shopping area, one (1) free-standing sign, permanently fixed to the ground, designed to identify the area as a whole may be erected on each street on which the area abuts, provided such sign shall not extend beyond the lot line. Such sign shall be limited to two (2) faces, each of which shall not exceed fifty (50) square feet in area. The overall height of any such sign shall not exceed seven (7) feet above the ground and shall be monument style.

(e) Any sign in the B-4 or B-6 districts shall follow the commercial historic districts design guidelines and receive approval from the secretary of the historic preservation commission. Decisions of the secretary may be appealed to the historic preservation commission.

(f) No sign applied flat to the wall shall project more than fifteen (15) inches beyond the face of a building. Signs mounted perpendicular to the building may project a maximum of four (4) feet beyond the face of the building and allow for eight (8) feet of clearance between the bottom of the sign structure and the ground. No sign shall project above the parapet wall of the building. Signs indicating time, temperature, or similar factual information, may project a maximum of four (4) feet beyond the face of the building. If an

advertisement or firm name is used in connection with such signs, it shall count towards the maximum wall sign square foot allowance.

(g) Sign illumination. Internal illumination of signs is permitted for individual letters or logos. When any sign is lighted, such lights shall be indirect white spot lights only. Only white illumination shall be used. No fluorescent paint or other preparation shall be used for high reflection.

(h) One sign with the word "open" (neon or otherwise) shall be permitted per building, provided the sign does not exceed four (4) square feet. Such a sign shall not count towards the maximum sign square footage.

(i) The provisions of this section do not apply to signs that are further than twelve (12) inches away from the inside face of an exterior window pane, nor to small signs on outdoor merchandise display racks, cases and vending devices.

(j) Additional temporary signs may be permitted as regulated by Section 35.1-26(d).

#### **Sec. 35.1-26.12. Signs in I-1, I-2 and I-3 districts.**

Signs pertaining only to the uses conducted on the premises, but not including any roof signs, will be permitted subject to the following conditions:

(a) Building mounted signs shall face only upon an abutting street or an abutting parking lot of the same parcel where the sign is located. The aggregate face area of all signs on any one (1) wall of the building shall not exceed twenty-four (24) square feet.

(b) One (1) free-standing sign, permanently fixed to the ground, may be erected on each street on which a lot occupied by a permitted use abuts, provided such sign does not extend beyond the lot line nor shall such sign be located closer to the front property line than two (2) feet. Such sign shall be limited to two (2) faces, each of which shall not exceed one (1) square foot for each five (5) linear feet of such frontage, but not to exceed sixty-six (66) square feet in any case. Any architectural or decorative surrounds to support or enhance the sign may not exceed twenty-five percent (25%) of the sign area. The overall height of any such sign, including its architectural or decorative surrounds, shall not exceed ten (10) feet above the ground.

(c) Traffic direction signs, each not exceeding four (4) square feet in area, and four (4) feet in height may be displayed on any lot zoned as I-1 to I-3 as follows: Signs identifying vehicular entrance to and exit from the lot and signs of the type generally used for traffic control necessary for the safe and proper control of vehicular and pedestrian traffic within the lot; provided that such signs and number are approved by the city.

(d) Additional temporary signs may be permitted as regulated by Section 35.1-26(d).

(e) Newly constructed billboards are permitted by right in I-2 and I-3 districts and shall follow the regulations set forth in Section 35.1-26.13.

(f) Sign illumination: When any sign or billboard is lighted in this district, such lights shall be enclosed in the sign, shaded or indirect so that the source of illumination is not visible and in no way interferes with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign simulating movement shall be permitted. No fluorescent paint or other preparation can be used for high reflection.

### **Sec. 35.1-26.13. Billboards.**

All billboards constructed or erected after the enactment of this ordinance shall conform to the following requirements:

(a) No person shall cause to be constructed or erected in a B-5 district any billboard except a billboard that replaces a then existing billboard in a B-5 district. Any billboard existing in a B-5 district at the time of enactment of this ordinance, and any replacements and any billboard existing in an I-2 or I-3 district at the time of enactment of this ordinance shall not be considered as a nonconforming billboard provided said billboard is in compliance with this ordinance. All other billboards existing at the time of enactment of this ordinance shall be deemed nonconforming billboards.

(b) Any billboard located within three hundred (300) feet of the center line of, and readily readable from, any limited access highway shall be located not nearer than five hundred (500) feet to an exit ramp. The required distance shall be measured along the center line of the highway, in the direction in which traffic is approaching the exit ramp, beginning at the nearest intersecting point of a line drawn perpendicular to the said center line through the beginning of the nearest exit ramp with said highway. No billboard shall be located in such a manner as to obstruct an existing advertising structure viewed from a point on the main traveled portion of said highway at a distance of three hundred (300) feet approaching said sign.

(c) Billboards shall be located no less than five hundred (500) feet apart.

(d) The spacing provisions cited above shall not apply to billboards separated by buildings or other obstructions in such a manner that only one (1) sign located within the required spacing distance is visible from the road at any one (1) time.

(e) Except on property located adjacent to limited access highways, no billboard shall be located within one hundred fifty (150) feet of any property zoned for or used as a residential development, church, playground, school or public park.

(f) The area of the advertising surfaces erected on any billboard shall not exceed six hundred seventy-five (675) square feet, and no billboard(s) shall be double-decked, multi-decked, stacked or side-by-side structures with more than one (1) surface area facing the same direction.

(g) When any billboard is lighted, such lights shall be enclosed in the sign, shaded or indirect, so that they will in no way interfere with the vision of motorists or with neighboring residents. Only white illumination shall be used, and no flashing (on-and-off) sign, nor any sign simulating movement, shall be permitted, except signs indicating time and/or temperature or similar signs erected for the convenience of the public. No fluorescent paint or other preparation can be used for high reflection.

(h) The maximum height of a billboard shall be forty (40) feet from the grade of the thoroughfare to which the sign is oriented or from the base of the structure, whichever is higher.

(i) All billboards shall be maintained by the owner in sound structural condition, to a standard approved by the superintendent of inspections. In the event of failure to provide such maintenance, the superintendent, after sixty (60) days' notice, may order the removal of the billboard. If the owner should fail to remove the billboard, the city, after sixty (60) days' written notice, may remove the billboard at the owner's expense.

(j) No billboard shall be erected, rebuilt, altered or relocated without a permit from the city's division of inspections, in accordance with such regulations as may be promulgated by the superintendent of inspections and approved by the city manager.

#### **Sec. 35.1-26.14. Sign application and permit.**

(a) Sign permit: No sign or sign structure, banner or part thereof shall be erected, enlarged or altered by any person or organization until such person or organization has:

(1) Submitted to the department of community planning and development a completed sign application including the size of surface area, size of sign structure, size of sign frame, size of sign face, size of sign box, size of sign base, height, copy, source of illumination, type of material, and location of said sign on any wall or property.

(2) Met all sign application requirements and has obtained from the City of Lynchburg a sign permit specifying the size, height and location of such sign or sign structure.

(3) All applicable permit fees have been paid to the city's division of billings and collections.

(b) Upon receipt of a completed sign application, the department of community planning and development will review the submitted information for compliance with Section 35.1-26 of the zoning ordinance. The department of community planning and development will mark on the sign application approved, approved with conditions or denied and make notification to the applicant within ten (10) working days of receipt of the completed sign application, unless the applicant has agreed to a longer period of time. Any conditions or reason for denial shall be attached to the sign application and returned to the applicant.

(c) Permits issued for temporary commercial banners shall include the date of issue and the date of expiration. Said permit shall be securely fastened to the back side of the banner, except for banners attached to walls. When the banner is attached to a wall or other structure not easily accessible, said permit shall be kept with the owner or manager of the business and be presented to community planning and development staff upon request.

(d) If a proposed sign or banner complies with the standards set forth in the zoning ordinance a sign permit shall be granted. The department of community planning and development shall not deny a permit for a sign based upon the content of the sign and the denial of a permit on such grounds is prohibited.

(e) Appeals of a decision to deny a sign permit shall be taken to the board of zoning appeals in the same manner as provided in section 35.1-18 of the zoning ordinance and in the Code of Virginia.

#### **Sec. 35.1-26.15. Maintenance.**

All signs, banners, inflatable items and similar devices, and their supporting structures, that are displayed within the city shall be maintained in good order and repair, and shall be properly anchored so as to be kept in sound condition. All exposed surfaces shall be protected against decay or rust by proper application of weather-coating materials, such as paint or a similar surface treatment.

#### **Sec. 35.1-26.16. Modified signs.**

(a) Except for those standards for signs which must be modified by the granting of a variance, or a rezoning, modified signs are permitted in all zoning districts, except historic districts, by conditional use permit approving a comprehensive signage plan. A request for a conditional use permit shall be sought in the same manner as provided by Section 35.1-15 of the zoning ordinance. City council may grant a conditional use permit upon a determination that:

(1) There is good cause for deviating from a strict application of the requirements of the zoning ordinance

(2) The modification(s), as proposed, will serve the public purposes and objectives set forth in the zoning ordinance at least as well, or better, than the signage that would otherwise be required under the zoning standards and requirements.

(3) For purposes of this section, the term "comprehensive signage plan" refers to a written plan detailing the type, quantity, size, shape, color, and location of all signs within the development that is the subject of the plan, where the number, characteristics, and/or location(s) of one (1) or more signs referenced in the plan do not comply with the requirements of the zoning ordinance.

(b) In approving a conditional use permit, city council may impose conditions regarding the location and other features of the proposed sign(s) as it may deem necessary to promote the public interest and to ensure the spirit and intent of the zoning ordinance are met.

(c) City council will not grant more than the minimum alternative compliance modifications to the standards or requirements for signs than are necessary. City council will not grant a permanent modification to a standard or requirement if a temporary modification will suffice. A temporary modification may be granted if city council determines that permanent compliance can be obtained in a future phase of development of the site where the sign is located.

(d) City council will not grant a modification of any standard or requirement for a sign if:

(1) Ordinary financial considerations are the principal reason for the requested modification.

(2) The applicant created the condition or situation generating the need for the modification or the applicant has not exhausted all other practical solutions to the problem, including but not limited to, the redesign or relocation of the sign.

(3) The requested modification would create a special privilege or convenience for the applicant.

(e) Applications for a conditional use permit for a modified sign shall include the following:

(1) A written narrative description of the proposed modified sign, including a listing of the total number of signs proposed for the site and a summary of how the applicant believes the modified sign will serve the objectives set forth in the zoning ordinance.

(2) A written description of the type, size (dimensions), materials and proposed location of each sign on the site.

(3) A written description of any proposed lighting for illuminated signs.

(4) Color illustrations or photographs of signage existing on adjacent properties.

(f) City council shall not deny an application for a modification based upon the content of the sign and the denial of an application on such grounds is prohibited.

(g) Appeals of a decision of city council shall be taken in the same manner as provided in the zoning ordinance and in the Code of Virginia.

(h) Except for those standards for signs which must be modified by the granting of a variance, a conditional use permit or a rezoning, modified signs are permitted in a historic district by a certificate of appropriateness issued by the historic preservation commission. A request for a certificate of appropriateness for a modified sign shall be submitted to the historic preservation commission in the manner provided by Section 35.1-44.1



of the zoning ordinance. The historic preservation commission may grant modifications upon a determination that:

- (1) The proposed sign is a re-creation or repair of a historically significant sign.
- (2) The proposed sign will not be detrimental to the character of the historic district in which it is located or other adjacent properties.

The historic preservation commission shall not deny an application for a modification of a sign in a historic district based upon the content of the sign and the denial of an application on such grounds is prohibited. Appeals of a decision of the historic preservation commission shall be taken in the manner provided in section 35.1-44.1 of the zoning ordinance and in the Code of Virginia.

### **Sec. 35.1-27. Nonconforming uses.**

(a) Legislative intent. In the placing of zoning district regulations in the city's land through ~~this~~ the zoning ordinance, there are a number of land uses and activities on the land which exist prior to the enactment of ~~this~~ the zoning ordinance and which do not conform to the regulations herein. These nonconforming uses are, in most cases, incompatible with their surrounding uses, since the objective of district regulations is to permit compatible uses. Therefore, some limitations on the continued operation of nonconforming uses is appropriate in the public interest. While they are generally permitted to remain, the regulations herein restrict their further intensification or expansion and provide for their prohibition, if they are discontinued for a two (2) year period of time.

(b) Continuing existing uses. Except as otherwise provided in ~~this article~~ the zoning ordinance, the lawfully permitted use of land or buildings existing at the time of the adoption of ~~this~~ the zoning ordinance may be continued, although such use does not conform to the standards specified by this ordinance for the zone in which such land or building is located. Said uses shall be deemed nonconforming uses.

(c) Existing conditional uses. Any use lawfully existing at the time of the adoption of ~~this~~ the zoning ordinance, or of any amendment thereto, in the district in which such use is classified herein as a conditional use, shall continue as a conditional use in such zone.

(d) Completion of buildings under construction. Any building, the construction of which has been started pursuant to plans on file with the division of inspections and for which a lawful building permit was issued before the effective date of this ordinance or of an amendment thereto, and the ground story framework of which, including the second tier of beams, has been completed within one (1) year after the adoption of this ordinance or amendment thereto, may be completed in accordance with said plans on file with the division of inspections; provided that such construction is diligently prosecuted and the building is completed within two (2) years of the adoption of ~~this~~ the zoning ordinance.

(e) Nonconforming use of land with minor improvements. Where no building is involved, the nonconforming use of land with minor improvements may be continued; provided, however:

(1) That no such nonconforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of ~~this~~ the zoning ordinance, unless specifically allowed by other provisions in this ordinance.

(2) That no such nonconforming use be moved, in whole or in part, to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of the adoption of ~~this~~ the zoning ordinance.

(3) That if such nonconforming use of land, or any portion thereof, ceases for any reason for any continuous period of more than two (2) years or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of ~~this~~ the zoning ordinance.

(4) That no nonconforming use of land shall be changed to another nonconforming use.

(f) Nonconforming use of buildings and structures.

(1) Enlargements or extensions. A building or a structure, the use of which does not conform to the use regulations for the district in which it is situated, shall not be enlarged or extended, unless the use therein is changed to a conforming use or the use extended is a conforming use.

(2) Structural alterations. Such nonconforming building or structure shall not be structurally altered, unless such alterations are required by law; provided, however, that except in the case of billboards such maintenance and repair work as is required to keep a nonconforming building or structure in sound condition shall be permitted, limited to a maximum expenditure of ten per cent (10%) of current replacement costs within a period of twelve (12) months. In the case of billboards, any required maintenance or any changes in the advertising message shall not be deemed an alteration.

(3) Change of use. If no structural alterations are made, any nonconforming use of a building may, as a conditional use after public notice and hearing, be changed to another nonconforming use; provided that the planning commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally or more restrictive than the existing nonconforming use. In permitting such change, the planning commission may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

(4) Discontinuing, moving. If any nonconforming use of a building ceases for any reason for a continuous period of more than two (2) years or is changed to a conforming use or if the building in which such use is conducted or maintained is moved for any distance whatever, for any reason, then any future use of such building shall be in conformity with the standards specified by this ordinance for the district in which such building is located.

If any building in which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building was located, and the subsequent use of any building thereon, shall be in conformity with the standards specified by ~~this~~ the zoning ordinance for the district in which such land or building is located.

(g) Nonconformity, other than use. A building that is conforming in use, but which does not conform to the height, yard, land coverage, parking or loading requirements of ~~this~~ the zoning ordinance, shall not be considered to be nonconforming within the meaning of Section 35.1-27. However, no permit shall be issued that will result in the increase of any such nonconformity.

(h) Nonconforming signs. All signs and billboards which do not conform with any of the sign and billboard regulations of ~~this~~ the zoning ordinance, including regulations governing size, setbacks, height, installation location, and lighting, shall be deemed nonconforming and may be continued so long as the existing use continues and is not discontinued for more than two (2) years, and so long as the nonconforming sign is maintained in its then structural condition. Except as provided in Section 35.1-26.3 (e) whenever a nonconforming sign is enlarged, extended, reconstructed or structurally altered it shall conform to the existing zoning regulations. However, a nonconforming sign may be re-faced without losing its nonconforming status. Whenever a nonconforming sign requires repairs in a dollar amount greater than fifty percent (50%) of the replacement cost of the entire sign such sign shall be brought into compliance with the existing zoning regulations. A nonconforming sign shall not be moved on the same lot or to any other lot with is not properly zoned to permit such nonconforming sign.

~~(h)~~ (i) Restoration of damaged building and structures. If any nonconforming building or structure is damaged to an extent of more than fifty percent (50%) of the value of the structure above the foundation, as determined by the division of inspections, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all the regulations of this zoning ordinance for the district in which it is located. If the structure is not restored, it must be removed at the owner's expense within sixty (60) days. Where the destruction of such nonconforming structure is less than fifty percent (50%), as described above, it may be restored in substantially the same location and the nonconforming use continued, if so permitted by the planning commission after public notice and hearing; provided that the total cost of such restoration does not exceed the replacement value of the destroyed portion of the structure at the time of its destruction and, further provided, that such restoration is started within a period of six (6) months of such destruction and is diligently prosecuted to completion. Nothing in ~~this the~~ zoning ordinance shall prevent the strengthening or restoring to a safe condition of any wall declared to be unsafe by the division of inspections.

### **Sec. 3-3. Civic, etc., Temporary signs in public rights-of-way.**

~~Signs, banners, billboards and similar structures and objects directly relating to charitable, historical, religious or other civic services and nonprofit activities may be installed in the public rights-of-way upon a permit issued by the city manager.~~

The city hereby creates a limited public forum for the purpose of allowing charitable, civic, community service, religious and other similar organizations to display temporary signs, banners and similar structures and objects directly relating to community, charitable, historical, religious or other civic events, services and nonprofit activities in the public rights-of-way. Such signs may not exceed four (4) square feet in area or four (4) feet in height, may not obstruct the view of traffic signs or obstruct the view of any street or ally intersection and no more than one sign may be installed per street intersection. The streets division of the city's department of public works must be notified at least 3 days before the signs are installed of their location and size and length of display. Such signs must be removed within forty-eight (48) hours of the date of the advertised event or activity.

### **Sec. 3-5. Signs, banners across streets.**

(a) The city hereby creates a limited public forum for the purpose of allowing organizations that are promoting community, charitable, historical, religious or other civic events and activities to display banners across certain duly designated public streets and sidewalks.

~~(a)~~ (b) No person shall erect or place any sign or banner of wood, cloth, metal or other material across any street or sidewalk in the city without obtaining a permit from the city's department of ~~public works~~ parks and recreation. The application for a permit shall include (i) the name, address and telephone number of the person requesting the permit (ii) the name and address of any organization or group the applicant is representing (iii) the type of community, charitable, religious or other civic event or activity that is being promoted (iv) the length of time the applicant wishes to display the banner (v) the size of the banner, the materials out of which the banner is constructed and the location where the banner is to be displayed and (vi) any information the parks and recreation department may deem reasonably necessary for the public health safety and welfare. The department of parks and recreation shall either issue or deny the permit within ten (10) days of receipt of the completed application. The permit shall contain such conditions as the department of ~~public works~~ parks and recreation deems necessary to protect the public health, safety and welfare and shall specify the period of time that the sign/banner may be erected. If two or more applications are submitted requesting a permit for a banner at the same time and location, the application first filed shall

~~be granted if it meets the requirements of this section. The sign/banner shall be only for the purpose of advertising civic or public events to serve the community.~~ The sign/banner shall not be closer than fifteen (15) feet to the street or sidewalk level. The applicant must execute an agreement holding the city harmless against all claims for personal injury or property damage resulting from the use of the public right-of-way and must furnish the city with a certificate of insurance with general liability and property damage coverage ~~in such amount as shall be determined by the city's risk management coordinator and the certificate of insurance shall include the City of Lynchburg, its officers and employees as additional insureds.~~ The applicant shall submit a letter from the persons or firm, which includes the address and phone number, that will be erecting and removing the sign/banner.

(c) Every person applying for a permit to erect a sign over any public street shall furnish the department of parks and recreation a certificate of insurance, on forms furnished by said division for the purpose, certifying that the owner or tenant of the building or premises on which the sign is to be erected has liability insurance for bodily injuries covering said sign in the amount of fifty thousand dollars (\$50,000) for each person and one hundred thousand dollars (\$100,000) for each accident. The certificate of insurance shall show the name of the insurance company, name of insured, address of insured, location of insured premises, insurance policy number, date insurance policy issued, expiration date of insurance policy, limits of policy, type of insurance, and a clause providing that in case of cancellation of insurance policy the city shall be given ten (10) days' notice prior to such cancellation.

~~(b)~~ If the sign/banner is damaged or in need of repair and poses a threat to the safety of the general public the applicant will be notified and have two (2) business days to remove same. If the applicant fails to remove the sign/banner after the two (2) days notice the city will have the sign/banner removed at the expense of the applicant. When, in the opinion of the department of ~~public works~~ parks and recreation, the presence of the sign or banner results in a condition that creates an immediate and serious threat to the safety of the public, the department of ~~public works~~ parks and recreation may have the sign or banner removed without prior notice. The owner of the sign or banner shall be responsible for paying the costs of removal.

(e) If the applicant fails to remove the sign/banner after the event or upon expiration of the specified time period, whichever shall come first, the city shall have the sign/banner removed at the expense of the applicant.

(f) No permit shall be denied because of the content of the message of the banner. Any person or organization who is denied a permit may appeal the denial to the city manager or his designee, by filing with the city manager's office, within five (5) working days of the denial, a written notice of the appeal and the grounds therefore. The city manager, or his designee, shall act upon the appeal within five, working days, after its receipt. The decision of the city manager, or his designee, may be appealed to the circuit court of the City of Lynchburg, in accordance with the laws of the state.

~~(d)~~ (g) A violation of this section shall constitute a class 3 misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense.